

How Does the Chapter 90 Program Work?

Q: What is the Chapter 90 road program?

A: Enacted in 1973, the Chapter 90 program reimburses municipalities for certain costs of eligible transportation projects. Cities and towns must submit receipts to the Massachusetts Department of Transportation Highway Division district in which they are located, which then verifies that the expenditures qualify for reimbursement under Chapter 90. The Highway districts in turn submit these receipts to MassDOT's Fiscal Department, which facilitates the reimbursements to cities and towns.

Q: What projects are eligible for reimbursement under Chapter 90?

A: Roadway projects and related machinery, equipment and tools are eligible for reimbursement. Roadways projects include resurfacing and related work. Eligible resurfacing projects must have a minimum of three-quarters course with a continuous length of at least five hundred feet.

Reimbursable costs include work incidental to eligible projects, such as preliminary engineering, right-of-way acquisition, shoulders, side road approaches, landscaping and tree planting, roadside drainage, structures (including bridges), sidewalks, traffic control and service facilities, and street lighting (excluding operating costs).

Compiled by Associate Editor Daniel DeMaina. Material for this column was provided by the Massachusetts Department of Transportation and the Federal Highway Administration. Questions for Ask the Advocate may be sent to the Advocate Editor at editor@mma.org.

In 1994, the following types of expenditures were added as eligible for reimbursement under the program: purchase of road building equipment and projects such as bikeways, salt sheds, and garages for storage of road building equipment; bikeways and public use of off-street parking facilities related to mass transportation; and facilities with bus or rail services. Also eligible are engineering services and expenses related to highway and mass transportation purposes, pavement management systems, and development and maintenance.

Q: What is the formula for distributing Chapter 90 funding?

A: The formula to determine how much each city or town is allocated under Chapter 90 takes into account three factors. Road miles accepted by the city or town, as registered with MassDOT, account for 58.33 percent. Population as recorded with the Department of Revenue accounts for 20.83 percent. Employment figures recorded with the Office of Labor and Workforce Development accounts for the remaining 20.83 percent.

Q: How does a city or town request a Chapter 90 reimbursement?

A: Cities and towns first submit a project request form, preliminary estimate form and environmental punch list to the MassDOT Highway Division district in which they are located. The highway district director, with assistance from the district state aid engineer, certifies the eligibility of the project.

Municipalities must submit a summary of bids form, including the list of bidders with a notation of the winning bidder, to notify MassDOT that they have procured the goods and services properly.

When submitting a final report to MassDOT after approved projects are finalized, municipalities must include a reimbursement request, a payroll form that records personnel time used on the project, and a list of materials. This information is used by the district state aid engineer to verify that all materials and quantities qualify under the specific authorizing legislation tied to the Memorandum of Agreement used to fund the project.

Q: How much has the state allocated in Chapter 90 funding each year?

A: The governor's office has released \$200 million in Chapter 90 funding each fiscal year since 2012, with the exception of fiscal 2015, when \$300 million was released.

Q: How much have construction costs increased in recent years?

A: The Federal Highway Administration's National Highway Construction Cost Index is a quarterly estimate of the cost of domestic highway construction and maintenance over time. According to the most recent press release available from the FHWA, from July 2017, highway construction costs nationwide grew by an estimated 68 percent over the past thirteen years. Costs of key highway components, like asphalt, concrete and metal, increased by 107 percent, 61 percent and 45 percent, respectively, between 2003 and 2016, according to the Bureau of Labor Statistics. 🌟